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## FACSIMILE TRANSMISSION

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Examiner David Lukton Group Art Unit 1653 U.S. Patent and Trademark Office	571-272-0952	571-273-8300

<b>From :</b> Stacy L. Taylor <b>Email Address :</b> staylor@foley.com <b>Sender's Direct Dial :</b> 858.847.6720 <b>Date :</b> May 26, 2005 <b>Client/Matter No :</b> 041673-1202 <b>User ID No :</b> 9055
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### MESSAGE:

U.S. Patent Application No. 10/705,791

Following is:

- 1) Response to Restriction Requirement.

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Atty. Dkt. No. 041673-1202

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: CHIEN et al.

Title: METHOD FOR INHIBITION FOR  
INHIBITION OF  
PHOSPHOLAMBAN ACTIVITY  
FOR THE TREATMENT OF  
CARDIAC DISEASE AND  
HEART FAILURE

Appl. No.: 10/705791

Filing Date: 11/02/1999

Examiner: David Lukton

Art Unit: 1800

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<i>Rachel Ann Caputo</i> (Former Name)	
<i>Rachel A. Caputo</i> (Signature)	
May 26, 2005 (Date of Deposit)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed May 11, 2005, which sets forth a restriction requirement between and among Claims 1-17 in the application.

Applicants respectfully note that Claims 1-17 were cancelled in the November 2, 1999 Preliminary Amendment submitted with this divisional application. The filing receipt and file wrapper for this application indicate that the Preliminary Amendment was received and entered. Therefore, the restriction requirement relating to Claims 1-17 is moot, and Applicants request that the requirement be withdrawn.

Atty. Dkt. No. 041673-1202

The Preliminary Amendment presented fourteen (14) new claims for examination. The claims are all directed to a single invention; i.e., a method for treating heart failure by increasing cardiac contractility or relaxation through administration of nucleic acid compositions operatively encoding dominant negative phospholamban molecules. Examination of the pending claims, numbering from Claim 18 to 31, is therefore requested.

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date May 25, 2005

By 

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